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Attorney Docket No.: A-70036/RMS/JJD

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE*In re* application of:

KINSELLA, TODD M.

Serial No. 09/712,821

Filed: November 13, 2000

For: METHODS AND COMPOSITIONS
FOR SCREENING USING
DIPHTHERIA TOXIN CONSTRUCTS

Examiner: Unknown #7 AW

Group Art Unit: 1645 18-29-D

CERTIFICATE OF MAILING

I hereby certify that this correspondence, including listed enclosures, is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231 on:

Dated: Sept. 7, 2001Signed: Marjorie Costa
Marjorie CostaINFORMATION DISCLOSURE STATEMENTAssistant Commissioner for Patents
Washington, DC 20231

Sir:

In satisfaction of the duty of disclosure under 37 C.F.R. § 1.56, and in accordance with the provisions of 37 C.F.R. §§ 1.97 and 1.98, Applicants wish to draw the attention of the U.S. Patent and Trademark Office to the references cited on the accompanying form PTO-1449. Copies of the references are enclosed.

None of the foregoing references is believed to disclose the invention as claimed. Nothing herein shall constitute an admission concerning the contents of any of the cited references, nor shall the inclusion of a reference herein be considered an admission that the reference constitutes prior art against the invention claimed in the above-identified application. Submission of the present document shall not be construed as an admission that a search has been made or that better art does not exist.

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Further, in accordance with the provisions of 37 C.F.R. §§ 1.97(c) and 1.97(e)(1), the undersigned certifies that references 1-4 listed on the enclosed form PTO-1449 were first cited in an International Search Report dated June 12, 2001, for a counterpart PCT application. As such, the filing of the instant Information Disclosure Statement is within three months of the date of that International Search Report and, therefore, need not be accompanied by the fee as set forth in 37 C.F.R. § 1.17(p). A copy of the International Search Report for the counterpart PCT application is enclosed herewith.

As far as is known to the undersigned, this Information Disclosure Statement is being filed within three months of the filing date of a national application, within three months of the date of entry of the national state in an international application, or before the mailing date of a first Office Action on the merits as set forth in 37 C.F.R. § 1.97(b), and therefore no fee is required. While no further fee is currently believed to be due, the Commissioner is authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 06-1300 (Our Order No. A-70036/RMS/JJD).

Respectfully submitted,

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